

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1, 3, 5, 7-9, 14-17 and 19-26 are pending in the present application. Claims 1, 7, 14 and 17 are independent claims and have been amended. Claims 23-26 are added.

Claim Rejections under 35 U.S.C. § 103

Claims 1, 3, 5, and 14-17 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,289,102 to Ueda et al. ("Ueda") in view of U.S. Patent Publication 2002/0111993 to Reed ("Reed"). The Applicant respectfully traverses this rejection as detailed below.

According to the new Examination Guidelines for Determining Obviousness under 35 U.S.C. § 103 in view of the Supreme Court decision of *KSR International, Co. v. Teleflex, Inc.* it is stated that the proper analysis for a determination of obviousness is whether the claimed invention would have been obvious to one of ordinary skill in the art after consideration of all the facts. The key to supporting to any rejection under 35 U.S.C. § 103 is the clear articulation of the reasons why the claimed invention would have been obvious. An Office Action must explain why the differences between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art. See 72 Fed. Reg. 57526, 57528-529 (Oct. 10, 2007).

The Applicant respectfully asserts that a *prima facie* case of obviousness has not been made with respect to the amended claims because neither Ueda nor Reed, either separately or in combination, teach or suggest all of the claim limitations set forth in amended claim 1. Neither are the differences between the prior art and the apparatus recited in claim 1 been shown to be obvious to one of ordinary skill in the art.

For example, claim 1 recites “wherein the at least one playback allowance code and the at least one false playback allowance code have been randomized by a shift register.” The Applicant respectfully asserts that neither Ueda nor Reed, either separately or in combination, teach, suggest or otherwise render obvious a high density computer readable medium having the features quoted above from amended claim 1 for at least the reasons set forth below.

The Office Action, on pages 2 and 3, states that Ueda does not disclose at least one false playback allowance code and, therefore, cannot teach, suggest, or otherwise obvious a recording medium as recited in claim 1 where at least one playback allowance code and at least one false playback allowance code have been randomized by a shift register.

The Office Action relies on Reed to cure the insufficiencies of Ueda and to show at least one false playback allowance code for a playback inhibited region (see, for example, page 4 of the Office Action) and cites paragraph [0074] of Reed. However, a careful reading of Reed shows that Reed does not teach, suggest, or otherwise render obvious a shift register as recited in claim 1. In fact, Reed does not mention shift registers at all.

While Ueda may describe a shift register (see, for example, FIGS. 9 and 12) column 8, lines 26-29, column 9, lines 17-20, and column 16, lines 3-35, Ueda describes the shift register in the context of generating random number sequences. Ueda does not teach, suggest, or otherwise render obvious at least one playback allowance code and at least one false playback allowance code having been randomized by a shift register either separately or in combination with Reed. For at least these reasons, the Applicant respectfully asserts that Reed and Ueda, either separately or in combination, do not teach, suggest, or otherwise render obvious the high density computer readable medium recited in claim 1. The Applicant respectfully requests that the rejections under 35 U.S.C. § 103(a) of claim 1 and its dependent claims 3 and 5 and 19 be removed.

Claims 7-9 and 19-22 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Ueda in view of Reed. The Applicant respectfully traverses this rejection as detailed below.

The Applicant respectfully notes that independent claims 7, 14, and 17 recite similar language recited above with respect to claim 1, (albeit adapted to the language of method claims) and are, therefore, patentable at least for the same reasons set forth above with respect to claim 1. The Applicant respectfully requests that the rejections under 35 U.S.C. § 103(a) of claim 7 and its dependent claims 8, 9 and 20, independent claim 14 and its dependent claims 15, 16, and 21, and independent claim 17 and its dependent claim 22, be removed.

New Claims

The Applicant has added claims 23 through 26 which are dependent upon claims 1, 7, 14, and 17 respectively. The Applicant respectfully asserts that these claims are patentable at least by reason of their dependency and they are also patentable over the cited references in view of the limitations claimed therein.

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CONCLUSION


Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the pending claims of this application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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